

UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS

PAUL T. PAPADAKIS,
Plaintiff,

v.

CSX TRANSPORTATION, INC.,
Defendant.

C.A. No.: 04-30189-MAP

THE DEFENDANT'S, CSX TRANSPORTATION, INC.,
PROPOSED VOIR DIRE QUESTIONS

A. FAMILIARITY WITH THE JURY PROCESS:

1. Have you ever sat on a jury in a civil or criminal case?
2. What kind of case, where and when did you serve as a juror? Was there anything about that other case, and about your jury service on that case that would affect your ability to be a juror on this case?

B. ABILITY TO SERVE AS JURORS:

1. Do you read, write and understand the English language?
2. Do you have any health problems, physical limitations, or medical needs, which will prevent you from being involved as a reliable juror during this trial?

C. RELATIONSHIP WITH COUNSEL:

1. Robert Byrne and Robert Naumes from Thornton & Naumes, LLP of Boston, MA represent plaintiff. Do any of you know him or have you or any member of your family or friend had any business dealings with him or his firm Thornton & Naumes?
2. Have you, or any member of your family, a relative or friend, ever obtained legal services from Mr. Byrne or Mr. Naumes or his firm?
3. Michael B. Flynn and Valerie A. Murphy from Flynn & Associates of Quincy, MA represent the defendant CSX. Do any of you know them or have you or any

member of your family or friend had any business dealings with them or their firm?

4. Have you, or any member of your family, a relative or friend, ever obtained legal services from Mr. Flynn or Ms. Murphy or his firm?

D. FAMILIARITY WITH TYPE OF INCIDENT:

1. Are you familiar with CSX Transportation, Inc.?
2. Have you ever seen locomotives that have a CSX symbol?
3. Have you, your friends or any of your family or relatives ever lived near railroad tracks or in a town through which railroad tracks run?
4. Do you have any familiarity with hi-rail vehicles which are vehicles capable of traveling both on railroad tracks and on regular road?
5. Did you arrive at any opinion as to the hi-rail vehicles?
6. Have you or any member of your family, a relative or friend, ever been involved in an accident and/or incident involving a railroad?
7. Have you or any member of your immediate family or close personal friend had any problem, trouble or any serious complaint about CSX or any employee of CSX or Conrail?
8. Have you, any members of your family or relatives ever had a claim and/or lawsuit against CSX Transportation, Inc., ("CSX") or any other railroad corporation, including but not limited to AMTRAK, MBTA, Mass. Bay Commuter Rail, the Boston & Maine Railroad, Consolidated Rail Corporation ("Conrail"), Providence and Worcester Railroad, Housatonic Railroad, Inc., and/or Penn Central?
9. Have you, any members of your family or relatives ever worked for or been employed by CSX or any other railroad including but not limited to AMTRAK, MBTA, Mass. Bay Commuter Rail, the Boston & Maine Railroad, Conrail, Providence and Worcester Railroad, Housatonic Railroad, Inc., and/or Penn Central?
10. Have you, or any member of your family, a relative or friend, ever been employed by CSX?
11. Have you, any members of your family or relatives ever been a member of the Brotherhood of Locomotive Engineers, United Transportation Workers' Union, or any other union which is involved with the railroad industry?

12. Have you, any members of your family or relatives ever worked for or been employed by the Brotherhood of Locomotive Engineers, United Transportation Workers' Union, or any other union which is involved with the railroad industry?
13. Have you, any members of your family or relatives ever been a member of any other union?
14. Have you, any members of your family or relatives ever worked for or been employed by any other union?
15. Have you, any members of your family, relatives or friends ever lived adjacent to or near railroad tracks or railroad facilities?

E. FAMILIARITY WITH TYPE OF INJURIES:

1. Have you or any member of your family, a relative or friend ever suffered an injury that resulted in damage to the back?
2. If so, would this familiarity prevent you from being a fair and impartial juror in this matter? Give us some specifics, when, where, what portion of the body and what medical treatment?
3. Have you or any member of your family, a relative or friend ever cared for someone who suffered a back injury.
5. Do you have any children? How many? Ages?
6. Are you, any members of your family, relatives or friends receiving accident insurance benefits, social security benefits, state or federal benefits for disabilities, worker's compensation benefits, veterans' benefits, unemployment compensation insurance benefits, or early payment from any public or private pensions due to any disability or to your medical condition(s)?
7. Have you, any members of your family, relatives or friends ever received accident insurance benefits, social security benefits, state or federal benefits for disabilities, worker's compensation benefits, veterans' benefits, unemployment compensation insurance benefits, or early payment from any public or private pensions due to any disability or to your medical condition(s)?
8. Have you, any members of your family, relatives or friends ever suffered a physical disability or limitation or injury of any kind that affected the ability to work?

9. Have you, any members of your family, relatives or friends ever filed a claim for accident insurance benefits, social security benefits, state or federal benefits for disabilities, worker's compensation benefits, veterans' benefits, unemployment compensation insurance benefits, or early payment from any public or private pensions due to any disability or to a medical condition(s)?

F. RELATIONSHIP WITH PLAINTIFF:

1. Do any of you know Paul Papadakis or Kathleen Papadakis or any of their relatives?
2. Do any of you know (name all witnesses to the accident)

G. RELATIONSHIP WITH WITNESSES:

I'm going to read a list of individuals who may be called to testify as expert witnesses during this trial. Please tell me if you or any member of your family to your knowledge knows or had any business dealings or received any medical treatment from any of these individuals.

1. Richard L. Sanderson, 55 Linsley St., Branford, CT;
2. Franklyn H. Carrington, MD, Internal Medicine, PC, 377 Walnut Street Agawam, MA;
3. Anthony Riccardi, 292 Washington Ave., Ext., Albany, NY;
4. Leona Liberty, Ph.D., 120 Defreest Drive, Troy, NY;
5. Lawrence H. Field, MD, 780 Chestnut Street, Springfield, MA;
6. Ernest Gailor; Harlan-McGee, 4000 Silver Beach Rd, Malta, NY (518) 584-1300;
7. Dr. Edward Feldmann; 110 Lockwood Street, Ste 324, Providence, RI, 02093;
8. Joseph Kent; 1229 Johnson Ferry Rd, Suite 103C, Marietta, GA 30068-2778;

H. FAMILIARITY WITH JUDICIAL PROCESS:

1. Have you or any member of your family and friend ever been involved in a personal injury claim or lawsuit as a plaintiff or as a defendant?
2. Is there anyone here who believes that merely because a plaintiff files a lawsuit in this matter that he/she is automatically entitled to recover compensation?

3. Does anyone here feel that he or she will have to find in favor of the plaintiff even if the evidence does not support such a finding?
4. Do you believe that just because the Plaintiff has brought a lawsuit, he is entitled to recover money from CSX?
5. Just because CSX is a corporation, do you believe that they should be held responsible for this accident?
6. Just because CSX is a corporation and plaintiff is an individual, would that affect your ability to be fair and impartial to CSX in any way?
7. Do you have any preconceptions or prejudices against large corporations which would affect your judgment in this case?
8. Do you feel that large corporations should be obligated to pay damages to injured persons regardless of the existence, nature, extent and/or degree of fault and/or liability of the corporation?
9. Do you feel that large corporations should be obligated to pay damages to injured persons regardless of the existence, nature, extent and/or degree of fault and/or liability of the corporation?
10. Do you have any preconceptions or prejudices against railroad corporations which would affect your judgment in this case?
10. Do you feel that railroad corporations should be obligated to pay damages to injured persons regardless of the existence, nature, extent and/or degree of fault and /or liability of the railroad corporation?
11. Have you read or heard about any articles in magazines, newspapers or other written materials, or on the internet about railroad operations and/or railroad safety?
12. Have you seen any television programs or public service announcements concerning railroad operations and/or railroad safety?

If you answered “yes” to any of these questions, will your experience and/or knowledge affect your ability to render an impartial verdict in this case?

Respectfully submitted,
The Defendant,
CSX TRANSPORTATION, INC.,
By its Attorneys,

/s/ Valerie A. Murphy
Michael B. Flynn, BBO #559023
Valerie A. Murphy, BBO #661460
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Dated: April 17, 2006

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